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Attorney for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA, ) 2:17-mj-1207-NJK  
Plaintiff, )  
vs. )  
DEREK CRAIG-BEENY, )  
Defendant. )

**STIPULATION TO CONTINUE PRELIMINARY HEARING**

IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United States of America, and Rebecca A. Levy, Assistant Federal Public Defender, counsel for Defendant DEREK CRAIG-BEENY, that the preliminary hearing for the above-captioned matter, currently scheduled for May 10, 2018, at the hour of 4:00 p.m., be vacated and continued to a date and time convenient for this Court, but in no event earlier than thirty (30) days.

This stipulation is entered for the following reasons:

1. The parties are researching the viability of entering into a plea agreement. Said plea agreement would obviate the need for either a preliminary hearing in this matter or for the

Government to present this matter to a federal grand jury. Counsel for the Defendant will need additional time to discuss the Defendant's options with him.

2. The Defendant is in custody, but he does not object to the continuance.

3. Denial of this request for continuance of the preliminary hearing would potentially prejudice both the Defendant and the Government and unnecessarily consume this Court's valuable resources, taking into account the exercise of due diligence.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested by this stipulation is excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

6. This is the fourth request for a continuance of the preliminary hearing herein.

DATED: May 9, 2018.

/s/  
PHILLIP N. SMITH, JR.  
Assistant United States Attorney  
Counsel for the United States

/s/

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2                   UNITED STATES DISTRICT COURT  
3                   DISTRICT OF NEVADA

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6                   UNITED STATES OF AMERICA,         )       **2:17-mj-1207-NJK**  
7    )  
8                   Plaintiff,                            )  
9    )  
10                  vs.                                    )  
11    )  
12                   DEREK CRAIG-BEENY,                 )  
13    )  
14    )  
15                   Defendant.                            )  
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**ORDER**

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Based on the pending Stipulation of counsel, and good cause appearing therefore, **IT IS  
HEREBY ORDERED**, that the preliminary hearing in the above-captioned matter, currently  
scheduled for May 10, 2018, at the hour of 4:00 p.m., be vacated and continued to  
June 14, 2018, at 4:00 p.m., in Courtroom 3C.

DATED: May 9, 2018

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UNITED STATES MAGISTRATE JUDGE

